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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CALVIN LINCOLN, individually and on behalf
of all others similarly situated,

Case No. 2:23-cv-00806-KJN

V₅

Plaintiff.

MX TECHNOLOGIES, INC.,

Defendant.

**STIPULATION AND ORDER SETTING
SCHEDULE FOR PLAINTIFF TO FILE
FIRST AMENDED COMPLAINT AND
RELATED FILINGS**

STIPULATION

Pursuant to Eastern District of California Local Rule 144 and Federal Code of Civil Procedure 6(b), Plaintiff Calvin Lincoln and Defendant MX Technologies, Inc., by and through their respective counsel of record, respectfully submit the following Stipulation to (1) allow Plaintiff to file a First Amended Complaint by July 28, 2023, and (2) vacate the Defendant's July 17, 2023 deadline to file a response to the original complaint as moot, (3) setting Defendant's new deadline to respond to the First Amended Complaint by August 18, 2023, and, should Defendant file a motion to dismiss the First Amended Complaint, (4) setting Plaintiff's deadline to file an opposition to the motion by September 8, 2023, and (5) setting Defendant's deadline to file a reply by September 22, 2023.

The Parties come to this stipulation following a conference of counsel on July 7, 2023. Defendant intended to file a motion to dismiss in response to Plaintiff's complaint on July 17, 2023, and Plaintiff intended thereafter to file First Amended Complaint rendering arguments raised in that contemplated motion to dismiss moot. In the interests of judicial economy and the speedy resolution of this case, the Parties therefore agreed to stipulate to the aforementioned schedule.

NOW, THEREFORE, THE PARTIES STIPULATE AS FOLLOWS:

1. The Court should set July 28, 2023 as the deadline for Plaintiff to file a First Amended Complaint on good cause shown;
2. The Court should vacate Defendant's July 17, 2023 deadline to answer or otherwise respond to the original Complaint as moot;
3. The Court should set August 18, 2023 as the deadline for Defendant to respond to the First Amended Complaint;
4. Should Defendant file a motion to dismiss the First Amended Complaint, set September 8, 2023 as the deadline for Plaintiff to file an opposition; and
5. Should Defendant file a motion to dismiss the First Amended Complaint, set September 22, 2023 as the deadline for Defendant to file a reply.

1 Dated: July 17, 2023

BURSOR & FISHER, P.A.

2 By: /s/ Stefan Bogdanovich
3 Stefan Bogdanovich

4 *Attorneys for Plaintiff Calvin Lincoln*

5 Dated: July 10, 2023

6 **WILSON SONSINI GOODRICH & ROSATI
Professional Corporation**

7 By: /s/ Trevor Templeton (as authorized on 7/10/2023)
8 Trevor Templeton

9 *Attorneys for Defendant MX Technologies, Inc.*

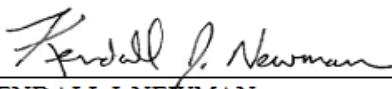
10 **ORDER**

11 Having considered the Parties' Stipulation and good cause therefore appearing, IT IS
12 HEREBY ORDERED that: (1) Plaintiff's deadline to file a First Amended Complaint in this
13 action is set to July 28, 2023, (2) Defendant MX Technologies, Inc.'s July 17, 2023 deadline to
14 answer or otherwise respond to Plaintiff's original Complaint is vacated as moot, (3) Defendant's
15 new deadline to respond to the First Amended Complaint is set to August 18, 2023.

16 As to the parties' proposed alteration of the briefing schedule for any forthcoming motion
17 to dismiss, IT IS ORDERED that: (1) Plaintiff's deadline to file an opposition to the motion is set
18 to September 8, 2023; (2) Defendant's deadline to file a reply is set to September 22, 2023; and
19 (3) the hearing on any such motion shall be set for a hearing no earlier than October 3, 2023.

20 Finally, so that this case is not delayed further, the parties are ordered to file their
21 consent/decline forms by August 11, 2023. For further information, the parties should refer to the
22 initial scheduling order issued on April 28, 2023. (ECF No. 3.)

23 Dated: July 17, 2023

24 
25 KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE

27 linc.806